



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
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Commissioner

**THE OFFICE OF APPEALS AND DISPUTE RESOLUTION**

February 12, 2008

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**In the Matter of**  
**Middleton Golf Course**  
\_\_\_\_\_

**Docket No. 2007-173**  
**File No. PAN-NE-07-5D007**  
**Town of Middleton**

**RECOMMENDED FINAL DECISION**

The petitioner Middleton Golf Course brought this appeal challenging a civil administrative penalty notice that the Northeast Regional Office of the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") issued to the petitioner. See Penalty Assessment Notice No. PAN-NE-07-5D007 (the "PAN"). The Department has filed a motion to dismiss the appeal as moot because the Department rescinded the PAN on January 7, 2008. See Exhibit A to Department's Motion to Dismiss. The petitioner does not oppose the Department's motion. Accordingly, I recommend that MassDEP's



Commissioner issue a Final Decision dismissing this appeal as moot.

**NOTICE- RECOMMENDED FINAL DECISION**

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

Date: \_\_\_\_\_

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Salvatore M. Giorlandino  
Acting Chief Presiding Officer